

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MITCHELL FRANKEL)	CASE NO. 3:22-cv-1446
)	
)	
Plaintiff,)	JUDGE
)	
v.)	
)	
CARESOURCE)	NOTICE OF REMOVAL
and)	
)	
JOHN DOE INDIVIDUALS 1-5)	
JOHN DOE INC. 1-5)	
(names and addresses unknown))	
)	
Defendant.)	

NOTICE OF REMOVAL TO FEDERAL COURT

Pursuant to 28 U.S.C. §1446, Defendant CareSource (referred to herein as “Defendant” or “CareSource”), without waiving any defenses, including specifically defenses and objections to venue, personal jurisdiction, and service, hereby files its Notice of Removal of this action from the Cuyahoga County Court of Common Pleas to the United States District Court for the Northern District of Ohio, Eastern Division. In support of this Notice of Removal, CareSource states as follows:

1. On July 8, 2022, Plaintiff Mitchell Frankel (“Plaintiff”) filed a Complaint in the Court of Common Pleas, Cuyahoga County, Ohio, Case No. CV22965864.
2. On July 13, 2022, a copy of the Complaint was served on CareSource. This Notice of Removal is being filed within 30 days of CareSource’s receipt through service of Plaintiff’s

Complaint, and therefore, under 28 U.S.C. § 1446(b)(1), this Notice of Removal is timely and proper.

3. Pursuant to 28 U.S.C. § 1446(a), true and legible copies of all process, pleadings, orders, and other papers or exhibits of every kind on file in the state court and known to have been served on CareSource are attached hereto as Exhibit A. Defendant is not aware of, and has not been served with, any other filings or pleadings.

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, because this action arises under the Constitution, laws, or treatises of the United States. Specifically, this action arises under the Telephone Consumer Protection Act, 47 U.S.C. § 227. (*See* Complaint, attached.)

5. Defendant will promptly file the Notice of Filing Notice of Removal attached hereto as Exhibit B,¹ with a copy of this Notice of Removal, in the Office of the Clerk of the Court of the Court of Common Pleas, Cuyahoga County, Ohio. Defendant will also promptly provide a written copy of this Notice of Removal to Plaintiff.

6. Defendant has complied with all conditions precedent to the removal of this action.

WHEREFORE, Defendant CareSource respectfully gives notice that the above-described civil action pending in the Court of Common Pleas, Cuyahoga County, Ohio is removed therefrom to this Court.

¹ The exhibit to the Notice of Filing Notice of Removal, which contains all of the same documents attached hereto as Exhibit A, has been omitted from this Exhibit B.

Dated: August 12, 2022

Respectfully submitted,

/s/ Adrian D. Thompson

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Pro Hac Vice admission forthwith

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Attorneys for Defendant CareSource

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 12, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and served a true and correct copy of the foregoing via electronic mail and regular U.S. Mail on the following:

Brian S. Kraig
815 Superior Avenue East
Suite 1920
Cleveland, OH 44114

Attorney for Plaintiff

/s/ Adrian D. Thompson
Adrian D. Thompson (0036742)

Attorney for Defendant CareSource